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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|------------------------|------------------|
| 10/619,758 | 07/15/2003 | Christopher Vienneau | G&C 30566.335-US-01 | 7388 |
| 55895 | 7590 | 04/29/2010 | EXAMINER | |
| GATES & COOPER LLP HOWARD HUGHES CENTER 6701 CENTER DRIVE WEST, SUITE 1050 LOS ANGELES, CA 90045 | | | AUGUSTINE, NICHOLAS | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2179 | |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|---------------------------------------|--|--|
| Office Action Summary | Application No. 10/619,758 | Applicant(s) VIENNEAU ET AL. | |
| | Examiner NICHOLAS AUGUSTINE | Art Unit 2179 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 January 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

- A. This action is in response to the following communications: **Appeal Brief filed 01/28/2010.**
- B. Claims 1-32 remains pending.

C. In view of the Appeal Brief filed on 01/28/2010, PROSECUTION IS HEREBY REOPENED. A new grounds of rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

Specification

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D. The disclosure is objected to because of the following informalities: There is no antecedent basis for the term "computer-readable medium" in the specification.

This term is used in claims 31-32.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-32 are rejected under 35 U.S.C. 102(e) as being anticipated by Grinstein, Georges G et al. (US Pat. 6,714,201 B1), herein referred to as "Grinstein".

Summary: *Grinstein discloses a user interface displaying a single frame of an animation file applied to a 3D hierarchical graphic model. These motion animation files can be manipulated by the user through use of interacting with the 3D model or the tree view that represents the hierarchical graphic model of the 3D model.*

As to independent claims 1, 14, 27 and 31 (e.g. apparatus, method, system, computer-readable medium, etc), Grinstein teaches apparatus for processing image

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data (col.74, line 43 - col.75, line 29) comprising processing means, input means and display means (col.68,lines 37-57), wherein said image data is defined by a plurality of data processing nodes arranged in a hierarchical structure (*col.55,lines 1-10; nodes displayed in tree view window 530*) and said processing means is configured to perform the steps of: generating a first image frame of a clip of image frames wherein a plurality of image components makes up the first image frame by means of processing said plurality of data processing nodes (*col.53,lines 13-20; the Mojo gui window provides a 3d hierarchical graphic model that is capable of showing animation (known as a group of frames; col.6,lines 12-23 and Table 2 shows evidence that these 3D models correspond to frames of animation "image frame of a clip of image frames") within the window 503 where the user may interact with the 3d hierarchical graphic model and the corresponding tree view to manipulate animations*); outputting said first image frame to said display means (*figure 34; depicts the display of the 3d hierarchical graphic model and tree view of nodes corresponding to 3d model for the current animation frame of frames the user is editing or viewing*); receiving, via said input means, first user input data indicating one of said plurality of image components (col.55,lines 43-52); in response to said receiving, automatically selecting a first data processing node considered to be appropriate to said indicated component (col.55,lines 43-60) displaying editing tools relevant to said first data processing node; and outputting said second image frame to said display means (*col.55,line 61- col.56,line 24; the user is able to select a node or object and be given a pop-up dialog box displaying edit tools to be chosen and manipulated by the user*).

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Grinstein teaches computer-readable medium comprising a computer program storage device storing instructions that when read and executed by a computer, results in the computer performing a method for processing image data (col.68,lines 37-67; various examples of multiple platforms at which the system may be implemented on and how the system is implemented).

As to dependent claims 2 and 15, Grinstein further teaches the first data processing node is in a sub-structure of said hierarchical structure that defines said component (figure 34; depicted are nodes in a hierarchical list having parent and child nodes, objects depending on other objects having their own hierarchical structure (col.55, lines 16-36)).

As to dependent claims 3 and 16, Grinstein further teaches the sub-structure is a layer, wherein a layer is defined as a connected collection of nodes having at the top a node that has the same parent node as at least one other node (col.55,lines 16-36; figures 34,36-38,46).

As to dependent claims 4, 17 and 28, Grinstein further teaches processing means selects said first data processing node by performing the following steps: identifying one of the plurality of data processing nodes that defines said component; defining a plurality of layers within said hierarchical structure by identifying nodes with a plurality of children nodes; identifying the layer that includes said identified data processing node; and selecting the top node of said identified layer (col.56,lines 47-55).

As to dependent claims 5, 18 and 32, Grinstein further teaches the processing means selects said first data processing node by performing the following steps: identifying one of the plurality of data processing nodes that defines said component; defining a plurality of layers within said hierarchical structure by identifying nodes with a plurality of children nodes; identifying the layer that includes said identified data processing node; .and selecting a bottom node of said identified layer (figure 34; col.55,lines 42-60 the user is able to select any portion of the model, parent or child node (col.57, lines 8-26).

As to dependent claims 6 and 19, Grinstein further teaches the processing means selects said first data processing node by performing the following steps: identifying one of the plurality of data processing nodes that defines said component; selecting the closest node above said identified node that has the same parent node as at least one other node (col.56,lines 47-55).

As to dependent claims 7 and 20, Grinstein further teaches in response to first further user input data said processing means performs the following steps: selecting a portion of said hierarchical structure that is considered appropriate to said selected component and contains said first data processing node; generating third image data comprising a depiction of said portion; and outputting said third image data to said display means (col.56,lines 52-55; bounding box would cover everything in the running man model above his pelvis).

As to dependent claims 8 and 21, Grinstein further teaches the third image data further includes a display of parameters relating to said first data processing node (col.57,lines 47-51).

As to dependent claims 9 and 22, Grinstein further teaches the said portion of said hierarchical structure is a layer, wherein a layer is defined as a connected collection of nodes having at the top a node that has the same parent node as at least one other node (figure 35; tree view shows connection of related nodes (parent to child relationships).

As to dependent claims 10, 23 and 29, Grinstein further teaches in response to second further user input data indicating navigation through said hierarchical structure said processing means performs the following steps: selecting a second data processing node; generating a fourth image frame comprising said plurality of components and tools relevant to said second data processing node; and outputting said fourth image frame to said display means (col.56,lines 52-55; bounding box would cover everything in the running man model above his pelvis; user is able to select any portion of the model in which case the parent node when selected covers all child nodes as well).

As to dependent claims 11 and 24, Grinstein further teaches the second data processing node is connected in said hierarchical structure to said first data processing

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node if said further user input data indicates vertical navigation (col.67,lines 59-67; dragging from parent to parent node).

As to dependent claims 12 and 25, Grinstein further teaches the second data processing node has the same parent node as said first data processing node if said further user input data indicates horizontal navigation (col.67,lines 59-67; dragging from child to child node).

As to dependent claims 13 and 26, Grinstein further teaches the second data processing node is of a comparable data type to said first data processing node, but defines a different one of said plurality of components from said indicated component if said further user input data indicates horizontal navigation (col.67,lines 59-67; col.68,lines 1-24).

As to independent claim 30, The rejection is as the same as the rejection of independent claims 11, 12 and 13 above.

(Note:) It is noted that any citation to specific, pages, columns, lines, or figures in the prior art references and any interpretation of the references should not be considered to be limiting in any way. A reference is relevant for all it contains and may be relied upon for all that it would have reasonably suggested to one having ordinary skill in the art. In re Heck, 699 F.2d 1331, 1332-33, 216 USPQ 1038, 1039 (Fed. Cir. 1983) (quoting In re Lemelson, 397 F.2d 1006,1009, 158 USPQ 275, 277 (CCPA 1968)).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Inquires

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nicholas Augustine whose telephone number is 571-270-1056 and fax is 571-270-2056. The examiner can normally be reached on Monday - Friday: 9:30am- 5:00pm Eastern.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on 571-272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Weilun Lo/
Supervisory Patent Examiner, Art Unit 2179

/Nicholas Augustine/
Examiner
Art Unit 2179
April 22, 2010